

**REMARKS**

**INTRODUCTION:**

In accordance with the foregoing, claims 5 and 11 have been amended. No claims have been added or cancelled. Claims 1-13 are pending in the present application. Claims 1 and 8 are independent claims. Reconsideration is respectfully requested.

**ALLOWABLE SUBJECT MATTER:**

Claims 4 and 10 are objected to but are indicated as allowable if rewritten in independent form. Applicant will hold the rewriting of these claims in abeyance until the arguments presented herein have been considered.

**REJECTIONS UNDER 35 USC 102 & 103:**

Claims 1, 3, 5, and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,963,665 to Kim et al. ("Kim"). Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of U.S. Patent No. 7,103,219 to Cahill ("Cahill"). Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of U.S. Patent No. 6,018,588 to Kim ("Kim 588"). Claims 8, 11, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of U.S. Application No. 2003/0063814 to Herley ("Herley"). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Herley and further in view of Cahill. Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Herley and further in view of Kim 588. All rejections are respectfully traversed.

Independent claim 1 recites at least the following features:

"a compensation value calculation unit ... calculating a function having a predetermined slope according to a range of an average brightness value;"

Kim, Cahill, Herley and Kim 588, taken separately or in combination, fail to suggest or disclose at least all of the above-recited features.

The Office Action asserts on page 2 that the above-recited features are illustrated and described by Kim at FIG. 6, item 414 and at col. 5, lines 10-13. Applicants respectfully disagree with this assertion. The cited portion of Kim states:

$$B_m = X_m + \Delta$$

Here,  $B_m$  is a compensated mean level and  $\Delta$  is a brightness compensation value which is preset by use of a predetermined compensation function according to the brightness level.

Separately,  $X_m$  is described in Kim as a mean brightness level (col. 3, lines 64-65). Thus, the cited portion of Kim describes obtaining a "compensated mean level" by adding a constant ( $\Delta$ ) to a mean brightness level. The Office Action fails to establish how adding a constant to a mean brightness level reads on the above-recited claim language. More specifically, the cited text from Kim fails to even describe "a function having a predetermined slope," let alone all of the above-recited features. Further, item 414 of FIG. 6 merely refers to a brightness compensator without any further description. Consequently, Kim does not describe all of the above-recited features.

Cahill is directed to population mixture modeling with an indeterminate number of sub-populations. The Office Action fails to describe how Cahill compensates for the above-noted deficiencies of Kim.

Herley is directed to a method and system for capturing text documents by taking multiple images of the documents using a digital camera. The Office Action fails to describe how Herley compensates for the above-noted deficiencies of Kim.

Kim 588 is directed to a system and method for enhancing color images by extracting a luminance signal, performing histogram equalization using a cumulative density function and outputting an adjusted luminance signal by controlling the cumulative density function. The Office Action fails to describe how Kim 588 compensates for the above-noted deficiencies of Kim.

Accordingly, Applicants respectfully submit that independent claim 1 patentably distinguishes over Kim, Cahill, Herley and Kim 588, and should be allowable for at least the above-mentioned reasons. Since similar features recited by independent claim 8, with potentially differing scope and breadth, are not suggested or disclosed by Kim, Cahill, Herley and Kim 588, the rejection should be withdrawn and claim 8 also allowed.

Further, Applicants respectfully submit that claims 2-8 and 9-13, which variously depend from independent claims 1 and 8, should be allowable for at least the same reasons as claims 1 and 8, as well as for the additional features recited therein.

Amended dependent claim 5 discloses at least the following features:

a function value output unit outputting to the pixel value

compensation unit a function having a predetermined slope corresponding to the range of the calculated average value.

The Office Action asserts on page 5 that the above-recited features are illustrated and described by Kim at col. 5, lines 20-40. Applicants respectfully disagree with this assertion. The cited portion of Kim describes, inter alia, mapping input samples which are equal to or less than the mean level  $X_m$  into a gray level from 0 to  $B_m$  and mapping input samples greater than the mean level into a gray level of from  $B_m$  to  $X_{L-1}$  (col. 5, lines 25-29). However, the Office Action fails to establish how such mapping reads on the above-recited claim language.

Accordingly, Applicants respectfully submit that amended dependent claim 5 patentably distinguishes over Kim, Cahill, Herley and Kim 588, and should be allowable for at least the above-mentioned reasons. Since similar features recited by dependent claim 11, with potentially differing scope and breadth, are not suggested or disclosed by Kim, Cahill, Herley and Kim 588, the rejection should be withdrawn and claim 11 also allowed.

#### REQUEST FOR ENTRY IN ACCORDANCE WITH 37 CFR 1.116:

Entry of this Amendment in accordance with 37 CFR 1.116 is respectfully requested. Applicant submits that this Amendment After Final Rejection places the subject application in condition for allowance. This Amendment was not presented earlier because Applicant believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment as an earnest attempt to advance prosecution and reduce the number of issues under appeal is requested under 37 C.F.R. § 1.116.

#### CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date:

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